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## 4.1 Appointment

At its annual meeting during the first week in February, the electoral board must appoint officers of election for a term not to exceed *three years*, but an officer may serve until a successor is appointed. The electoral board establishes the length of the term for *each officer* (one, two or three years - the term can vary from officer to officer). Each officer's term of office shall begin on March 1 following the appointment and end on the last day of February of the year the term ends or until their successors are appointed. [§ 24.2-115](#). Years with presidential preference primaries in early March require careful planning to assure sufficient sworn officers are available after terms expire in February. Electoral boards may appoint officers to serve two or three year terms expiring in the year following that of the presidential election. Another option for localities making one year appointments is to send preliminary notice of appointments before terms expire in presidential primary year so that the officers can respond and have their oaths completed for electoral board appointment immediately before the presidential primary election.

The electoral board sends each officer of election a packet that includes a notice of appointment, a form for response to the notice of appointment, and an oath. Each officer must take and sign the oath of office required by [VA Const. II, 7](#) before performing the duties of his office. *See also*, [§ 24.2-120](#). Failure to take the oath before serving is punishable by a fine of not less than \$100 and not more than \$1,000. [§ 49-11](#). The signed

oath must be filed with the Clerk of Circuit Court. The electoral board should ensure that all officers take their oath in a timely manner following their appointment. An editable oath form is available in SharePoint Forms Warehouse.

The electoral board must appoint at least three competent citizens for each precinct. If possible, each officer should be a qualified voter of the precinct appointed to serve. All officers must be qualified Virginia voters. No elected officer, deputy or employee of an elected official can serve as an officer of election. To the extent practicable, when appointing the officers of election, electoral boards must give proportional representation to the two political parties having the highest and next highest votes in the last gubernatorial election. [§ 24.2-115](#). The electoral board can appoint independent or undesignated officers below the level of chief and assistant chief, so long as they do not constitute more than a one third of all officers in any precinct.

-  The Department of Elections encourages localities to recruit college students for officers of election. The Election Assistance Commission has an extensive college poll worker recruitment program that provides financial and other assistance to localities who wish to hire college students as officers of election. See, [www.eac.gov](http://www.eac.gov).

If possible, officers shall be appointed from lists of nominations filed by the political parties. The party must file its nominations with the secretary of the electoral board at least ten days before February 1 each year.

Officers of election serve for all elections held in their respective precincts during their terms of office unless the electoral board decides that fewer officers are needed for a particular election, in which case party representation shall be maintained as provided above. However, for a primary election involving only one political party, persons representing the political party holding the primary serve as the officers if possible. [§24.2-115](#).

The electoral board must designate one officer as the chief officer of election and one officer as the assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable, should not represent the same political party as the chief officer of the precinct.

The electoral board is required to instruct each chief officer and assistant in his duties not less than three or more than thirty days before each election. Other officers of election may be instructed at one or more appropriate times before each November general election. The Department of Elections is required to develop training standards which outline the minimum requirements for officer of election training. [§ 24.2-103](#). The standards as adopted by Department of Elections Policy 2010-002 are posted on the Department of Elections website. See, <http://sbe.virginia.gov/index.php/election-law/regulations-and-policies/> (SBE Policy 2010-002 – Training Standards).

The electoral board must certify to the Department of Elections its development of a written plan for training officers of election based on the standards approved by the Department of Elections. This certification checklist can be found on SharePoint on the GR/EB Tab> Forms Warehouse> Officers of Election> Training. Additional certifications include the following:

- Annually, by close of business the day before the November election, the electoral board must certify their training plan has been reviewed and revised to reflect changes in law or policy and to incorporate lessons learned from previous elections and that any officers of election trained within the last year have been trained according to the current standards.
- Every fourth year beginning in 2014, the electoral board must certify to the Department of Elections that the officers of election were trained consistent with the then-current standards.

The annual and quadrennial certifications are combined on one form. This form can be found on SharePoint on the GR/EB Tab> Forms Warehouse> Officers of Election> Training.

Section [§ 24.2-115](#) allows the electoral board to appoint additional officers any time it determines they are needed. If an officer of election is unable to serve at any election during his term of office, the electoral board may at any time appoint a substitute for the unexpired term.

If practicable, substitute or additional officers appointed after February must be appointed from lists of nominations filed by the political parties. The electoral board must inform the political parties of its decision to make such appointments and the party must file its nominations with the secretary of the electoral board within five business days.

Section [§ 24.2-115.1](#) gives the electoral board the option to assign the officers of election for one or more precincts to work all or a portion of the time that the precinct is open on Election Day. However, the chief officer and the assistant chief officer, appointed pursuant to [§ 24.2-115](#) to represent the two political parties, shall be on duty at all times.

Electoral boards also have the option to appoint “closers,” experienced with accounting tasks required for completing statements of results. These officers of election must arrive at least one hour before polls close and have the primary responsibility of assisting with the closing and reporting of precinct results. In addition, officers of election may be reassigned from one polling place to another.

Prior to March 1 each year, the secretary of the electoral board must prepare a list of officers of elections, by precinct. The list must be made available for public inspection and should be posted in the general registrar’s office. Whenever substitute or additional officers are appointed, the secretary is required to promptly add the names of the appointees to the public list. Any other changes made thereafter should be promptly noted on this list. [§ 24.2-115](#).

In considering what information should be on this public list, it is appropriate to consider the need to protect personal privacy. The public list need only include the officer's full name. Localities may find it helpful to also include the precinct the officer has been appointed to serve (recognizing that this may change before Election Day) and an indication of which officers have been designated as chiefs and assistant chiefs.

- ① The list for *public inspection* does not need to include the officers' residences or mailing addresses, political party, phone numbers or other personal or professional information (and it must not include any Social Security Numbers or parts thereof). The electoral board and registrar do need this information to contact the officers and for payment processing purposes, but it does not/should not be on the public list. Likewise, the list included with the electoral board's minutes does not need to include this additional personal information.
- ① However, under [§ 24.2-115](#), political parties and candidates do have a right to know any declared political party affiliation of officers of election so that lists provided in response to a candidate or political party request would need to include political party affiliation.
- ① For administrative purposes in the event of a recount, localities may also want to maintain an internal nonpublic list containing the following information:
  - The officer's full name
  - The precinct(s) where the officer was appointed to serve (recognizing that this may change before or on election day)
  - The party the officer is representing (if any)
  - An indication of which officers have been designated as chiefs and assistant chiefs

This list could be provided on as-needed basis to courts and parties to a recount proceeding without exposing officer personal information on a general public list that might deter serving.

#### **What's in a name - Officer of Election or Poll Worker?**

The officials who work at the polls are known by a variety of titles in various parts of the United States. For example: “Election Judge” “Election Clerk” “Inspector of Elections” “Election Deputy” “Registrar” “Auditor” “Election Supervisor.” The Code of Virginia refers to them in all instances as “Officers of Election.” The Code of Virginia identifies officials appointed by the local electoral board to work at the polls on Election Day as “Officers of Election.” “Poll Worker” is another term that is often used to describe these invaluable members of the elections team. In Virginia the term “Poll Worker” often is used to describe the campaign workers who staff tables and hand out literature outside the polls on Election Day or who serve as authorized representatives of political parties or candidates in the polling place. For the most part, this chapter uses the term Officer of Election to describe the appointed officials responsible for conducting the election in each polling place.

While these officials are correctly called “Officers of Election”, the term “Poll Worker” is gaining wider usage and acceptance. The Help America Voter Act (HAVA) uses the term to describe election officials in the polling place. The Election Assistance Commission charged with overseeing the implementation of HAVA does too. Programs and organizations dedicated to assisting election officials in recruiting and training use these terms. Even the Virginia Election and Registration Information System (VERIS) uses the term to describe the functional area of VERIS that is designed to track the appointment, assignment, training, deployment and training of Officers of Election.

## **4.2 Poll Worker Functionality in VERIS**

When a voter indicates an interest in serving as an Officer of Election either by checking the appropriate box on the voter application, or through some other means, this can be recorded in the “Poll Worker Interest” section of the voter’s record. VERIS will maintain this information and provide a report on request of all the voters in the locality who have indicated interest in serving.

While more detailed information is provided on using this functionality in the VERIS Step-by-Step Instructions, the following overview provides a basic outline of the program. Officer positions such as Chief, Assistant Chief and Officer can be set up in VERIS. VERIS will record the date of appointment and term of appointment for the worker. Since the Code allows officers to be appointed for terms not to exceed three years, users have the option to accept the default term of three years or set a lesser term. The program also maintains a history of election assignments and training sessions attended. After the election, the program will produce a list of officers and their pay. VERIS allows the user to copy poll worker data from one election into another where it can be edited as needed.

Registrars record each officer of election in VERIS in the poll worker section of the system. VERIS allows searching by name, date of birth, and precinct. This ensures that

no officer who is not a registered voter is entered as an officer of election. Once the officer is located as a registered voter, “Make Pollworker” is selected in order to enter that officer as an appointed officer of election. The registrar then records the officer’s specific information (e.g., phone number), assigns him to specific precincts or specific elections, etc. Each officer must be assigned to a precinct and election so that Department of Elections may determine the total number of officers utilized in order to complete required reports to the EAC. Tracking officers in VERIS also allows the registrar to produce the required list of officers of election for public inspection and, in the case of a recount, produce a quick and retrievable list of officers.

It is important that the officers’ records in VERIS (e.g., contact information or party representation) be maintained accurately. This will ensure that only the officers actually assigned to work in a specific precinct and for an election are entered and assigned to the appropriate precincts and elections.

The appointment and management of officers of election is an electoral board duty. While all or part of the record keeping is sometimes delegated to the general registrar, electoral board members can be given access to VERIS and maintain these records themselves. It is important to note, however, that VERIS cannot be readily accessed from a home computer due to firewall and security concerns.

## **4.3 Legal Status**

Officers of election generally are considered to be local government employees unless state law specifically provides otherwise. [§ 24.2-122](#). They may be subject to various state and federal requirements such as documenting work eligibility with Form I-9 unless the locality obtains an exemption from the U.S. Department of Homeland Security.

## **4.4 Compensation**

The governing body of each county, city, or town shall pay its officers of election at least \$75.00 for services rendered on Election Day. Payment of the minimum compensation is mandatory for each officer who actually provides “a full day’s service rendered on election day,” however, officers may elect to waive compensation. [§24.2-116](#). In addition, the governing body shall pay each officer of election \$10.00 and mileage at the rate payable to members of the General Assembly for each time he delivers pollbooks and ballots to the polling place and each time he delivers returns and ballots to the appropriate official after the polls have closed. Jurisdictions may increase the salary of the officers collecting and delivering materials by at least \$10.00 and the equivalent of mileage expenses from the furthest polling place in the locality in lieu of calculating the mileage and extra pay required by this section. [§ 24.2-116](#).

## **4.5 Removal of an Officer**

Certain family relationships allow a candidate, or the electoral board, to require the removal of an officer of election for the election based on the officer's relationship to an opposing candidate. Relationships allowing this request are spouse, parent, grandparent, sibling, child, or grandchild. The candidate, or electoral board member, must file a written request at least seven days before the election with the electoral board appointing the officer. The electoral board may appoint a substitute who shall hold office and serve for that election. [§ 24.2-117](#).

## **4.6 Appointment of a Substitute on Election Day**

If an officer of election is absent or unable to serve and the polls have been open for one hour, the remaining officers of election can appoint a substitute officer of election for the precinct. The substitute officer must have the same qualifications and, after taking the requisite oath, has the same powers as officers appointed by an electoral board. [§ 24.2-118](#).

## **4.7 General Training**

According to section [§ 24.2-103](#) the Department of Elections shall set the training standards for the officers of election to be fulfilled by the local electoral boards and general registrars. Department of Elections policy 2010-2 establishes the training standards. *See*, GREB 2 (containing details of the electoral board's duties concerning the training of officers of election and certifications of training that must be sent to the Department of Elections).

### **4.7.1 When to hold training meetings**

The law requires that each Chief Officer and Assistant Chief be instructed in their duties not less than three, nor more than thirty days before every election. Department of Elections recommends that the electoral board train all new officers before each election and all officers whenever there are major procedural changes in polling place operations. The Code allows the training of other officers to be scheduled at an appropriate time or times before each November general election. [§ 24.2-115](#).

### **4.7.2 Officer of Election Training Materials**

Training materials listed in Department of Elections Policy 2010-002 Officer of Elections Training Standards should all be covered. Prior to each training session the officers of election should receive and review the "Election Day Guide for Officers of Election" for

the equipment in use in the polling place, the “What If’s,” and the Provisional Ballot Procedures. Special instructions such as those for Dual Primaries should also be provided. These documents will be useful in problem solving and limiting confusion and error in attempting to address issues that may arise at the polls on Election Day. Officers who may be hand-counting ballots should also receive and review the “Ballot Examples for Hand Counting Paper or Paper-Based Ballots for Virginia Elections or Recounts” discussed in GREB 18 and on the Department of Elections website.

#### **4.7.3 Presence of General Registrar**

The general registrar must instruct the officers in the procedures they are to follow in marking the pollbook, handling problem voters, and communicating with the registrar’s office.

#### **4.7.4 Methods of training**

The method of training is at the discretion of the instructor; however, since many officers serve for several years, it is most important to vary methods of instruction in order to keep officers aware. It is also important to cover any new requirements or problems that occurred in previous elections, and if using new voting equipment include a thorough demonstration.

### **4.8 Performance Evaluation**

Following each election held in a city or county, a performance evaluation form should be completed for each officer who served at the election. Department of Elections has designed a form for this purpose that is available in the SharePoint Forms Warehouse Officers of Election category. Any member of the electoral board may complete the form.

The evaluation should be reviewed prior to appointing officers during the first week in February. These documents should enable the Board to appoint officers who consistently perform at an acceptable level. Also, this data could be used to determine areas in which officers need additional or more detailed training.

These evaluation forms should be retained for at least two years following the last election in which the officer served then destroyed securely according to Public Records Act procedures for personnel records. See Chapter 6.



## **4.9      Online forms available in SharePoint Forms Warehouse**

- Notice of Appointment
- Oath
- Response to Notice of Appointment
- Performance Evaluation